

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CHRISTOPHER JOHNSON,	:	
<i>Plaintiff</i>	:	
v.	:	C.A. No. 19-cv-
CITY OF PROVIDENCE, by and through its	:	
Treasurer, James J. Lombardi, III, alias	:	<i>Jury Trial Demanded</i>
and MATTHEW SHERDIAN, alias,	:	
individually and in his official capacity as a	:	
Providence Police officer,	:	
<i>Defendants</i>	:	

COMPLAINT

Introductory Statement

1. This civil action is brought by the Plaintiff seeking a declaratory judgment, injunctive relief, and compensatory and punitive damages for acts and/or omissions of Defendants in violation of Plaintiff's rights to equal protection under the law, freedom from excessive force and unreasonable search and seizure under the Fourteenth and Fourth Amendments to the United States Constitution, actionable pursuant to 42 U.S.C. §1983, and under Article 1, §§2 and 6 of the Rhode Island Constitution and under the common law of the State of Rhode Island.

2. This action arises from Defendant Sheridan racially profiling, accosting, harassing, physically assaulting, and arresting Mr. Johnson just after midnight on May 18, 2016 as Mr. Johnson walked from the bus stop to his house, a distance of approximately one hundred (100) yards.

3. Defendant City of Providence has maintained a custom or policy of allowing such constitutional violations by its officers. By failing to provide appropriate supervision, discipline, and screening in its hiring practices, this Defendant has created a culture in which police officers such as this Defendant act with the expectation that their misconduct will go unpunished.

## **II Parties**

4. Plaintiff Christopher Johnson (“Plaintiff Johnson” or “Mr. Johnson”) was at all times relevant to this Complaint a resident of Providence, Rhode Island. He is a nationally recognized poet, spoken word artist, playwright, and theater director. Mr. Johnson's racial identity is Black.

5. Defendant City of Providence (“Providence” or “City”) is a municipal corporation duly authorized and organized under the laws of the state of Rhode Island and is sued through its treasurer, James J. Lombardi III, alias, the official designated by R.I.G.L. §45-15-5 to be named in a suit for relief against the City.

6. Defendant Mathew Sheridan (“Defendant Sheridan”) is sued individually and in his official capacity as a police officer with Providence Police Department and at all relevant times was acting under color of state law.

## **III. Jurisdiction**

7. This Court has jurisdiction pursuant to 28 U.S.C. §§1331, 1343, 1367, 2201 and 2202.

**IV. Venue**

8. Venue is proper in this Court since, on information and belief, Defendants reside or may be found in the District of Rhode Island in compliance with the requirements set forth in 28 U.S.C. §1391. Venue is also proper because a substantial part of the events and omissions giving rise to these claims occurred in the District of Rhode Island.

**V. Material Facts: Walking While Black**

9. On May 17, 2016, Plaintiff Johnson went out to hear music with friends, never expecting that he would spend the night in jail.

10. Mr. Johnson took a Rhode Island Public Transit Authority (“RIPTA”) bus home, arriving at his bus stop just after midnight on May 18. The bus stop is located at the corner of Broad Street and Montgomery Avenue in Providence.

11. Mr. Johnson began to walk the short distance across Broad Street and down Montgomery Avenue toward his home.

12. After Mr. Johnson crossed Broad Street but before he reached his home, a Providence Police sport utility vehicle driven by Defendant Sheridan turned onto Montgomery from Broad, made a u-turn, and pulled up alongside the Plaintiff.

13. Defendant Sheridan asked Mr. Johnson for his name.

14. Plaintiff Johnson asked Defendant Sheridan why he wanted to know his name.

15. Defendant Sheridan responded by again demanding that Mr. Johnson provide his name.

16. Mr. Johnson explained his understanding that unless Defendant Sheridan had reasonable suspicion that he had committed or was about to commit a crime, he was not required to provide his name.

17. Mr. Johnson had done nothing to create any reasonable suspicion that he was committing a crime at that moment, that he had been committing a crime, nor that he was about to commit a crime.

18. The only reason Defendant Sheridan ever articulated in his police report for demanding that Plaintiff Johnson identify himself was that there was “an unidentified male subject wandering back and forth out of the intersection.”

19. In his incident report, Defendant Sheridan referred to Mr. Johnson as a “suspect” while feigning concern about his “well-being.” Yet Defendant Sheridan provided no additional information in his report to explain what crime he suspected Mr. Johnson of committing, nor why he was obligated to give his name.

20. Defendant Sheridan got out of his police car and approached Mr. Johnson, blocking his path to continue walking home.

21. As Mr. Johnson tried to go around Defendant Sheridan and walk the last few yards to his home, Defendant Sheridan grabbed Mr. Johnson's arm roughly.

22. Mr. Johnson then asked Defendant Sheridan if the officer was a public servant, and if Mr. Johnson was being detained.

23. Defendant Sheridan responded by saying, “Why you gotta go and do that?” and then grabbed Mr. Johnson and slammed him into the police car.

24. Defendant Sheridan slammed Mr. Johnson into the police car so hard, that according to Sheridan's incident report, the impact of Mr. Johnson's body "dented the rear passenger side door of the marked cruiser causing minor damage."

25. Mr. Johnson told Defendant Sheridan "I know you are a police officer; I know you can shoot me. I have a daughter, I want to live."

26. When other officers arrived on scene, Defendant Sheridan introduced the issue of race, claiming that Mr. Johnson had said "the white cop is going to shoot me."

27. Upon hearing that, Mr. Johnson, who had not yet spoken to the other officers, vigorously denied having said anything about any "white cop." Mr. Johnson had made no references to race at any point during the encounter.

28. In his narrative report, Defendant Sheridan repeated his claim that Mr. Johnson had said "the white cop is going to shoot me."

29. Defendant Sheridan's narrative report showed an increasing fixation with the "white cop" shibboleth, claiming that when other officers arrived on scene, Mr. Johnson "continued to exclaim that he was going to be beat up and killed by 'white cops.'"

30. Defendant Sheridan opened the police car door and told Mr. Johnson to get in. Mr. Johnson complied.

31. Mr. Johnson was brought to the Providence Police station where he was processed and charged with Simple Assault (R.I. Gen. Law §11-5-3), Resisting Arrest (R.I. Gen. Law §12-7-10), and Disorderly Conduct (R.I. Gen. Law §11-45-1(a)).

32. Mr. Johnson had nine court appearances in Rhode Island District Court, and eight more appearances after he transferred the case to Superior Court.

33. Finally, on June 8, 2017 more than a year after Mr. Johnson was assaulted and arrested, the Attorney General's office dismissed all charges against him for lack of evidence.

34. Before Defendant Sheridan arrested him, Mr. Johnson was considered a finalist for the position of State Poet Laureate of Rhode Island. Three months after the assault and false arrest, a representative from the Governor's office contacted Mr. Johnson to inquire about the status of the case, and explained that the pending charges would impact their decision on whether to select him for the position.

35. Mr. Johnson has been diagnosed by a mental health professional with a recurrence of Post-Traumatic Stress Disorder (PTSD) following the assault, and illegal arrest, and prosecution by Defendant Sheridan.

#### ***Municipal Liability – Custom and Practice of Racial Profiling***

36. The City of Providence has sustained a long and entrenched pattern and practice of discrimination against Black or African American people by its Police Department (PPD).<sup>1</sup> According to the 2015 Annual Report of the PPD Office of Professional Responsibility (OPR), for police use of force inquiries during that year, thirty-nine percent (39%) of the victims were Black. This figure is ***three times the population of Black people in the City***, which was approximately 13%.

37. ***For 2016, the year Mr. Johnson was assaulted, the disparity grew***, as Black or African American people made up forty-two percent (42%) of victims noted in PPD use of force inquiries with the same thirteen percent (13%) population share.

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<sup>1</sup> See e.g. *Coalition of Black Leadership et al. v. Doorley et al.*, CA4523P (D.R.I. 1973).

38. OPR stopped reporting the Use of Force incidents disaggregated by race after 2016, however racial disparities are evidenced in the PPD arrest statistics as well. OPR reports that in 2017, thirty-two percent (32%) of people PPD arrested were African American, while the African American population in the City was still only thirteen percent (13%).

39. The racial disparity increased slightly for 2018, with African Americans making up thirty-three percent (33%) of people arrested by Providence Police, with the same population share, according to OPR's Annual Report.

40. Defendant Sheridan is a defendant in this Court in at least two additional civil actions, both of which allege that he assaulted and falsely arrested Black men. Both incidents occurred within one-and-a-half miles down Broad Street of the assault on Mr. Johnson, and less than a year before this incident.<sup>2</sup>

#### ***Municipal Liability – Custom and Practice of Failure to Discipline***

41. Despite a detailed Civilian Complaint procedure prescribed by this Court in a 1973 Consent Order (*Coalition of Black Leadership et al. v. Doorley et al.*, CA4523P), the Providence Police Department has sustained a minimal percentage of civilian complaints.

42. For 2018, only six (6) out of fifty-nine (59) civilian complaints were sustained, or ten percent (10%) according to the OPR Annual Report (at 2).<sup>3</sup>

43. In 2017, only three (3) out of sixty-nine (69), or four percent (4%), of civilian complaints were sustained according to the OPR Annual Report (at 2).

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<sup>2</sup> See *Howie v. Sheridan et al.*, 1:17-cv-604-JJM-LDA; *Fajardo v. Sheridan et al.*, 1:18-cv-523-JJM-PAS.

<sup>3</sup> The Report also states in a graphic on page three that *only one complaint was sustained* in 2018, for a total of 1.79%.

44. Dispositions of individual complaints are approved by the Chief of Police; thus, the overall pattern, practice and custom of acquiescence to misconduct by Providence Police officers is known by and condoned by the City of Providence, demonstrating deliberate indifference.

45. Before filing suit, Mr. Johnson, together with the Plaintiffs in the two other actions now pending against Defendant Sheridan, met with Providence Public Safety Commissioner Steven Paré and Chief of Police Hugh Clements in an attempt to resolve the problem of Defendant Sheridan's erratic and dangerous behavior. At this meeting, the city officials not only refused to fire Defendant Sheridan; they also failed to commit to any course of remedial action.

46. After Mr. Johnson and others' unsuccessful meeting with City officials, over one thousand community members and supporters signed a petition demanding that the City terminate Defendant Sheridan's employment. These petitions were delivered to Providence Mayor Jorge Elorza on February 14, 2017. The mayor never responded to the demands.

47. Upon information and belief, Defendant Sheridan has never been punished for any of the behavior described in this complaint, nor for those actions described in the other civil actions pending against him in this court.

48. This lack of any credible threat of discipline against Providence Police officers when they engage in misconduct encouraged and facilitated the unreasonable and excessive force used by Defendant Sheridan against Plaintiff Johnson.

49. As a direct and proximate result of the Defendants' acts and/or omissions, including, but not limited to, those described herein, the Plaintiff has suffered deprivation of his federal and state constitutional rights.

50. As a direct and proximate result of the Defendants' acts and/or omissions, including but not limited to those described herein, the Plaintiff has suffered and will continue to suffer mental anguish, personal injury, pain and suffering, injury to reputation, damage to personal property, impairment of rights to be free from unreasonable search and seizure, deprivation of his civil rights, expenses for legal services, and other great damage.

## **VII. Claims For Relief**

51. Plaintiff hereby incorporates into the counts below the allegations contained in paragraphs 1 through 50 above, as if fully set forth herein.

### **COUNT ONE**

#### ***False Arrest in Violation of the Fourth Amendment and Actionable Under 42 U.S.C. §1983***

52. Defendants, acting under the color of state law, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein, have violated Plaintiff Johnson's right to freedom from unreasonable search and seizure, causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under the Fourth and Fourteenth Amendments to the United States Constitution, actionable pursuant to 42 U.S.C. §1983.

### **COUNT TWO**

#### ***False Arrest and False Imprisonment in Violation of Article 1, §6 of the Rhode Island Constitution***

53. Defendants, acting under the color of state law, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein, violated

Plaintiff Johnson's right to freedom from unreasonable search and seizure, causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under Article 1, §6 of the Rhode Island Constitution.

**COUNT THREE**

***Excessive Force in Violation of the Fourth Amendments Actionable Through 42 U.S.C. § 1983***

54. Defendants, acting under the color of state law, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein violated Plaintiff Johnson's right to be free from excessive use of force by persons acting under color of state law causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under the Fourth and Fourteenth Amendments to the United States Constitution, actionable pursuant to 42 U.S.C. §1983.

**COUNT FOUR**

***Excessive Force in Violation of Article 1, §6 of the Rhode Island Constitution***

55. Defendants, acting under the color of state law, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein violated Plaintiff Johnson's right not to be deprived of bodily integrity and liberty without due process of the law and the right to be free from excessive use of force by persons acting under color of state law causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under Article 1, §§2 and 6 of the Rhode Island Constitution.

**COUNT FIVE**

***Denial of Equal Protection in Violation of the Fourteenth Amendment,  
Actionable Through 42 U.S.C. § 1983***

56. Defendants, acting under the color of state law, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein

discriminated against Plaintiff Johnson based on his race, while acting under color of law causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under the Fourteenth Amendment to the United States Constitution, actionable pursuant to 42 U.S.C. §1983.

**COUNT SIX**

***Denial of Equal Protection in Violation of Article 1, §2 of the Rhode Island Constitution***

57. Defendants, acting under the color of state law, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein denied Plaintiff Johnson equal protection of the laws, based on his race, while acting under color of law causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under Article 1, §§2 and 6 of the Rhode Island Constitution.

**COUNT SEVEN**

***Malicious Prosecution in Violation of the Fourth, Fifth and Fourteenth Amendments, Actionable Through 42 U.S.C. § 1983***

58. Defendants, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein, maliciously caused criminal charges to be brought against Plaintiff Johnson, without probable cause and with malice, causing Plaintiff to suffer harm as aforesaid.

**COUNT EIGHT**

***Common Law Assault***

59. Defendant Sheridan, while acting in the scope of his employment and by his individual and/or concerted acts and/or omissions including but not limited to those described herein, placed Plaintiff in reasonable fear of imminent bodily harm, and thereby committed an assault upon Plaintiff, thereby causing Plaintiff to sustain harm as aforesaid.

**COUNT NINE**

***Common Law Battery***

60. Defendant Sheridan, while acting in the scope of his employment and by his individual and/or concerted acts and/or omissions, including but not limited to those described herein, intended to cause and in fact caused a harmful and offensive touching of and trauma upon the Plaintiff's body without consent or privilege, and thereby committed a battery upon Plaintiff, thereby causing Plaintiff to sustain harm as aforesaid.

**COUNT TEN**

***Common Law False Arrest***

61. Defendant Sheridan, while acting in the scope of his employment, by his individual and/or concerted acts and/or omissions detained Plaintiff without probable cause and with no other legal justification, thereby causing Plaintiff to sustain harm as aforesaid.

**COUNT ELEVEN**

***Common Law Malicious Prosecution***

62. Defendant Sheridan, while acting in the scope of his employment, by his individual and/or concerted acts and/or omissions, including but not limited to those described herein, has maliciously caused criminal charges to be brought and prosecuted against Plaintiff Johnson, without probable cause and with malice, in violation of the common law of the State of Rhode Island, causing Plaintiff to suffer harm as aforesaid.

**COUNT TWELVE**

***Civil Rights Act of 1990, R.I. Gen. Law §42-112-1 et seq.***

63. Defendants, by their individual and/or concerted acts and/or omissions, including but not limited to those described herein discriminated against Plaintiff Johnson

based on his race, causing Plaintiff to suffer harm as aforesaid, and have thereby deprived Plaintiff of rights secured under R.I. Gen. Law §42-112-1 *et seq.*

**Prayers for Relief**

WHEREFORE, Plaintiff hereby prays that this Court grant the following relief:

1. A declaratory judgment that the Defendants, in the manner described herein, violated the Fourth and Fourteenth Amendments to the United States Constitution and Article 1, §§2 and 6 of the Rhode Island Constitution by violating Plaintiff's right to be free from unreasonable search and seizure, to equal protection under the law, and maliciously prosecuted him in violation of the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and the common law and statute (R.I. Gen. Law §42-112-1 *et seq.*) of the State of Rhode Island.
2. A permanent injunction requiring Defendants to terminate the employment of Defendant Sheridan;
3. An award of compensatory damages;
4. An award of punitive damages;
5. An award of reasonable attorney's fees and costs of litigation to Plaintiff pursuant to 42 U.S.C. §1988;
6. Such other and further relief as this Court deems just and proper.

**VIII. Demand for Jury Trial**

Plaintiff hereby demands a trial by jury on all counts so triable.

**IX. Designation of Trial Counsel**

Plaintiff hereby designates Shannah Kurland, Esquire, as trial counsel.

Plaintiff, **CHRISTOPHER JOHNSON**  
By his attorney,

**Date: May 16, 2019**

/s/ Shannah Kurland  
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